

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

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Washington, Saturday, January 20, 1940

Rules, Regulations, Orders	TITLE 19—CUSTOMS DUTIES	CONTENTS
<p>TITLE 10—ARMY: WAR DEPARTMENT</p> <p style="padding-left: 20px;">CHAPTER VI—ORGANIZED RESERVES</p> <p style="padding-left: 40px;">PART 61—OFFICERS' RESERVE CORPS</p> <p style="padding-left: 60px;"><i>Correction</i></p> <p style="padding-left: 40px;">F.R. Doc. 40-148 (filed, January 8, 1940, at 2:49 p. m.), appearing in the FEDERAL REGISTER for Wednesday, January 10, 1940, on Page 137, should be corrected as follows:</p> <p style="padding-left: 40px;">The maximum age for appointment as second lieutenant in the Quartermaster Corps (table in paragraph (c)) should read "30" instead of "50".</p> <p style="padding-left: 40px;">CHAPTER VII—PERSONNEL</p> <p style="padding-left: 40px;">PART 71—ENLISTMENT IN THE REGULAR ARMY¹</p> <p style="padding-left: 60px;">§ 71.3² Age—(a) (1) Under 18.</p> <p style="padding-left: 60px;">* * *</p> <p style="padding-left: 60px;">(2) Between 18 and 21. (i) A person who has not reached his twenty-first birthday will not be enlisted or reenlisted in the Regular Army or Regular Army Reserve without the written consent of his parents or guardian, except as noted in subdivision (iv) below.</p> <p style="padding-left: 60px;">* * *</p> <p style="padding-left: 40px;">(41 Stat. 765; 10 U.S.C. 42) [Par. 13a (2) (a) A.R. 600-750, Apr. 10, 1939, as amended by Cir. No. 6, W.D., Jan. 16, 1940]</p> <p style="padding-left: 60px;">[SEAL] E. S. ADAMS, Major General, The Adjutant General.</p> <p style="padding-left: 40px;">[F. R. Doc. 40-317; Filed, January 19, 1940, 10:38 a. m.]</p>	<p style="padding-left: 20px;">CHAPTER I—BUREAU OF CUSTOMS</p> <p style="padding-left: 40px;">[T. D. 50073]</p> <p style="padding-left: 40px;">AIRPORT OF ENTRY</p> <p style="padding-left: 40px;">CALEXICO MUNICIPAL AIRPORT, CALEXICO, CAL., REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR¹</p> <p style="padding-left: 60px;">JANUARY 16, 1940.</p> <p style="padding-left: 40px;"><i>To Collectors of Customs and Others Concerned:</i></p> <p style="padding-left: 40px;">The Callexico Municipal Airport, Callexico, California, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from January 10, 1940. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).</p> <p style="padding-left: 60px;">[SEAL] HERBERT E. GASTON, Acting Secretary of the Treasury.</p> <p style="padding-left: 40px;">[F. R. Doc. 40-310; Filed, January 18, 1940; 3:19 p. m.]</p> <p style="padding-left: 20px;">TITLE 24—HOUSING CREDIT</p> <p style="padding-left: 20px;">CHAPTER IV—HOME OWNERS' LOAN CORPORATION</p> <p style="padding-left: 40px;">PART 406—LEGAL</p> <p style="padding-left: 40px;">WHERE FORECLOSURE OF JUNIOR LIEN HAS COMMENCED OR IS IMMINENT</p> <p style="padding-left: 40px;">Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.</p> <p style="padding-left: 40px;">Section 406.05 (a) is amended by the addition of a new sentence at the end of the first sentence thereof, which new sentence shall read as follows:</p> <p style="padding-left: 40px;">A foreclosure may also be ordered where foreclosure of a junior lien has</p>	<p style="padding-left: 20px;">RULES, REGULATIONS, ORDERS</p> <p>TITLE 10: WAR DEPARTMENT: Page</p> <p style="padding-left: 20px;">Organized Reserves, Officers' Reserve Corps, appointment age correction..... 239</p> <p style="padding-left: 20px;">Personnel, enlistment in the Regular Army; age..... 239</p> <p>TITLE 19—CUSTOMS DUTIES:</p> <p style="padding-left: 20px;">Bureau of Customs:</p> <p style="padding-left: 40px;">Callexico Municipal Airport, Callexico, Calif., redesignated airport of entry.... 239</p> <p>TITLE 24—HOUSING CREDIT:</p> <p style="padding-left: 20px;">Home Owners' Loan Corporation:</p> <p style="padding-left: 40px;">Legal: Foreclosure of junior lien..... 239</p> <p style="padding-left: 40px;">Property Management:</p> <p style="padding-left: 60px;">Brokers' compensation..... 240</p> <p style="padding-left: 60px;">Sales brokers' commissions, etc..... 240</p> <p>TITLE 43—PUBLIC LANDS: INTERIOR:</p> <p style="padding-left: 20px;">Bureau of Reclamation:</p> <p style="padding-left: 40px;">Willow Creek Reservoir Site, Lyman Project, Wyo., first form reclamation withdrawals..... 241</p> <p>TITLE 49—TRANSPORTATION AND RAILROADS:</p> <p style="padding-left: 20px;">Interstate Commerce Commission:</p> <p style="padding-left: 40px;">Annual reports from:</p> <p style="padding-left: 60px;">Electric railways..... 241</p> <p style="padding-left: 60px;">Sleeping car companies..... 241</p> <p style="padding-left: 60px;">Steam railway companies and switching and terminal companies of Class I and Class II.... 241</p> <p style="padding-left: 20px;">NOTICES</p> <p style="padding-left: 20px;">Department of the Interior:</p> <p style="padding-left: 40px;">Bituminous Coal Division:</p> <p style="padding-left: 60px;">What Cheer Clay Products Co., renewal of application for exemption..... 242</p>

¹These regulations amend Sec. 71.3, Title 10, Code of Federal Regulations.

²4 F.R. 2070 DI.

¹This document affects the tabulation in 19 CFR 4.13.

(Continued on next page)



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CONTENTS—Continued

Department of Labor:	
Wage and Hour Division:	Page
Knitted underwear and commercial knitting industry, minimum wage recommendation, submission of written briefs, etc.....	242
Federal Trade Commission:	
Folding Paper Box Industry, presentation of views, etc., on trade practice rules.....	242
Securities and Exchange Commission:	
Virginia Public Service Co., Virginia Public Service Generating Co., application approved, etc.....	243

been commenced or is imminent, and the Corporation is entitled to foreclose its lien under the circumstances existing and under the terms of its lien instrument.

(Effective date December 1, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on November 15, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-308; Filed, January 18, 1940; 2:46 p. m.]

PART 403—PROPERTY MANAGEMENT

COMPENSATION OF BROKERS

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.07 is amended to read as follows:

§ 403.07 *Compensation of Brokers.* The General Manager is authorized to fix the schedule of fees or compensation to be paid to brokers for the sale, rental and management of properties under the jurisdiction of the Property Management Division, and in specific cases to direct the payment of fees in amounts in excess of or less than those provided in any such schedule. Approved schedules of fees shall be filed with the Auditor. Payment of fees or compensation in amounts less than those provided in any such schedule may also be made under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective date February 1, 1940)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a) (k))

Adopted by the Federal Home Loan Bank Board on January 5, 1940.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-307; Filed, January 18, 1940; 2:46 p. m.]

[Administrative Order No. 352]

PART 403—PROPERTY MANAGEMENT

SALES BROKERS' COMMISSIONS; AUTHORIZATION OF SALE UPON CONDITION THAT THE BROKER SHALL AGREE TO A COMMISSION BELOW ESTABLISHED RATE; COMPENSATION OF CONTRACT MANAGEMENT BROKERS; RENTAL, COMMISSION AND MANAGEMENT FEES; SECURING NEW TENANTS AND LEASES

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.07-1 is amended by changing the first paragraph thereof to read as follows:

§ 403.07-1 *Sales brokers' commissions.* The going or local real estate board rate shall be used by the General Manager as a guide in fixing the schedule of fees or compensation to be paid to Sales Brokers in each locality within the Regional area, provided the General Manager may, in his discretion, authorize a higher or lower compensation than the going rate or the rate fixed by the local real estate board whenever he deems the going rate to be too high or too low to serve the best interests of the Corporation. Sales made by any Contract Sales Broker's own organization will carry compensation at the rate authorized in the schedule fixed by the General Manager for Sales Brokers.

(Effective date February 1, 1940)

Section 403.07-1 is further amended by the insertion of a new paragraph im-

mediately after the third paragraph thereof, which new paragraph shall read as follows:

Conditional authorization of sale. Notwithstanding any other provision of this Article, the Home Office Property Committee, Regional Property Committee, Regional or State Manager, when authorizing the acceptance of a specific offer to purchase, may issue such authorization upon the condition that the broker effecting the sale shall agree to a commission below the rate established by the Corporation for the particular locality, or that the Contract Sales Broker shall agree to accept as his override commission an amount smaller than provided in this Article.

(Effective date February 1, 1940)

Section 403.07-2 is amended to read as follows:

§ 403.07-2 *Compensation of contract management brokers.* The Corporation desires to keep the compensation uniform as far as it is reasonably possible so that it will not be subject to charges of unfair discrimination and partiality. There may be, however, certain areas and conditions which may require higher compensation than that fixed by the local real estate board, or higher than the going rate in the event there is no local board. On the other hand, the maximum rate as fixed by the local real estate board may make the compensation high. In such cases the General Manager shall be guided accordingly. The General Manager shall fix the rate of compensation to brokers and determine whether the compensation in each particular locality shall be on a percentage basis or on a unit basis; provided the basis of compensation adopted for a particular locality shall be uniformly followed as the basis of compensation for all brokers in such locality.

(Effective date February 1, 1940)

Section 403.07-2 (a) is amended to read as follows:

§ 403.07-2 (a) *Rental, collection and management fees.* The fee for the collection of rents and property management shall, subject to the discretion hereinabove vested in the General Manager, be the fee allowed by the local real estate board or the going rate.

(Effective date February 1, 1940)

Section 403.07-2 (b) is amended to read as follows:

§ 403.07-2 (b) *Securing new tenants and leases.* The going or local real estate board rate shall, subject to the discretion hereinabove vested in the General Manager, be paid to the broker for securing a new lease or tenant.

(Effective date February 1, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by

the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-309; Filed, January 18, 1940;
2:47 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER II—BUREAU OF RECLAMATION

FIRST FORM RECLAMATION WITHDRAWAL WILLOW CREEK RESERVOIR SITE, LYMAN PROJECT, WYOMING

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1939 (49 Stat., 1976) it is recommended that the following described land be withdrawn from public entry under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

LYMAN PROJECT, WYOMING

WILLOW CREEK RESERVOIR SITE

Sixth Principal Meridian, Wyoming

TOWNSHIP 13 NORTH, RANGE 116 WEST

Sec. 14, All;
Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, lots 1, 2, 3, and 4;
Sec. 20, All;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 27, E $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Sec. 28, SW $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, lots 1, 2, and 4;
Sec. 33, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

JANUARY 6, 1940.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

W. C. MENDENHALL,
Acting Under Secretary.

[F. R. Doc. 40-312; Filed, January 19, 1940;
9:34 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL WILLOW CREEK RESERVOIR SITE, LYMAN PROJECT, WYOMING

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

LYMAN PROJECT, WYOMING

WILLOW CREEK RESERVOIR SITE

Sixth Principal Meridian, Wyoming

T. 12 N., R. 116 W.

Sec. 1, All;
Sec. 2, All;
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and
E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 4, All;
Sec. 5, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, lots 4, 5, 6, and 7;

T. 13 N., R. 116 W.

Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, lots
5, 6, 7, and 8;
Sec. 35, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur:

GROVER B. HILL
Acting Secretary of Agriculture.

JANUARY 6, 1940.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

W. C. MENDENHALL,
Acting Under Secretary.

[F. R. Doc. 40-313; Filed, January 19, 1940;
9:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COM- MERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES AND SWITCHING AND TERMINAL COMPANIES OF CLASS I AND CLASS II

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of January, A. D. 1940.

The subject of the requirements of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration:

It is ordered:

1. That the Order of this Commission dated December 12, 1938,¹ In the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II, is hereby annulled.

2. That all steam railway companies and switching and terminal companies of Class I and Class II subject to the Interstate Commerce Act be, and they hereby are, required to file annual reports for the year ended December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form A (Large and Medium Steam Roads and

Switching and Terminal Companies), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-315; Filed, January 19, 1940;
10:14 a. m.]

ORDER IN THE MATTER OF ANNUAL REPORTS FROM ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of January, A. D. 1940.

The subject of the requirement of annual reports from electric railway companies being under consideration:

It is ordered:

1. That the Order of this Commission dated November 17, 1938,¹ In the Matter of Annual Reports from Electric Railways, is hereby annulled.

2. That all electric railway companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form G (Electric Railways), which is hereby approved and made a part of this Order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-314; Filed, January 19, 1940;
10:14 a. m.]

ORDER IN THE MATTER OF ANNUAL REPORTS FROM SLEEPING CAR COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of January, A. D. 1940.

The subject of the requirement of annual reports from sleeping car companies being under consideration:

It is ordered:

1. That the Order of this Commission dated December 7, 1937,¹ In the Matter of

¹ 3 F.R. 2771 DI.

² Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

³ 2 F.R. 2803.

¹ 3 F.R. 3137 DI.

Annual Reports from Sleeping Car Companies, is hereby annulled.

2. That all carriers by sleeping car companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form I (Sleeping Car Companies), which is hereby approved and made a part of this Order.²

It is further ordered, That the annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-316; Filed, January 19, 1940;
10:14 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 496-FD]

IN THE MATTER OF THE APPLICATION OF WHAT CHEER CLAY PRODUCTS COMPANY FOR EXEMPTION

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The What Cheer Clay Products Company having, on August 18, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it in the manufacture of clay products in its plant located at What Cheer, Iowa; and

The Commission having, on December 14, 1938, entered an order pursuant to such application in Docket No. 496-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of December 14, 1938:

It is ordered, That said order of December 14, 1938, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the What Cheer Clay Products Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information,

which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

a. The full name and address of the Applicant, and the name and location of the mine or mines covered by the application for renewal of said order of December 14, 1938.

b. The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

c. The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption.

d. Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory or other facility consuming such coal.

e. Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of December 14, 1938, was entered and, if such change has occurred, the nature thereof.

Dated, January 18, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-320; Filed, January 19, 1940;
11:58 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DATE FOR SUBMISSION OF WRITTEN BRIEFS AND REQUESTS FOR ORAL ARGUMENT IN THE MATTER OF MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 8 FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Whereas, a hearing was held on January 16, 1940,¹ before Thomas Holland, presiding officer duly appointed by the Administrator, at which all persons interested in the report and recommendation of Industry Committee No. 8, concerning minimum wage rates for the Knitted Underwear and Commercial Knitting Industry, were given opportunity to appear and to offer evidence, and

Whereas, no person appeared at said hearing in opposition to the aforesaid recommendation, and the Administrator's approval or disapproval will be based upon the record and written briefs submitted pursuant hereto unless a written request for oral argument shall be received, as provided herein, and allowed by the Administrator, in which case notice and opportunity for argument will be given pursuant to the rules of procedure set forth in the notice, dated December 26, 1939, of said hearing;

Now, therefore, notice is hereby given that the Administrator will receive at his office in the Department of Labor Building, Washington, D. C., from persons who entered appearances at said hearing, written briefs bearing on the issues which are before him in this matter, or written requests for permission to make oral argument, or both, provided that at least twelve copies of each such brief and two copies of each such request shall be submitted to him before 4:30 p. m., Thursday, February 15, 1940.

Signed at Washington, D. C., this 18th day of January 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-311; Filed, January 18, 1940;
3:56 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[File No. 21-349]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE FOLDING PAPER BOX INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Folding Paper Box Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than February 6, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., February 6, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may

² Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

¹ 4 F. R. 4949 DI.

desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL]

A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-318; Filed, January 19, 1940;
11:07 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

[File No. 46-182]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY AND VIRGINIA PUBLIC SERVICE GENERATING COMPANY

ORDER APPROVING APPLICATION, ETC.

Virginia Public Service Generating Company having filed an application pursuant to Section 6 (b) for exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of the issue and sale of \$1,400,000 principal amount 4% First Mortgage Sinking Fund Bonds, \$300,000 face amount Serial Bank Notes and 3,300 shares \$100 par value per share common stock; and an application pursuant to Rule U-12F-1 promulgated under said Act for the lease for a term of 20 years of all the real property and interests therein owned, or to be acquired by applicant in carrying out the proposed transactions, together with a generating plant to be constructed thereon;

Virginia Public Service Company having filed an application pursuant to Section 10 (a) (1) of the Act for approval of

the acquisition by it of 3,300 shares of common stock of Virginia Public Service Generating Company;

A public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That the application of Virginia Public Service Generating Company pursuant to Section 6 (b) of the Act regarding the issuance and sale of \$1,400,000 principal amount of its First Mortgage 4% Sinking Fund Bonds, \$300,000 face amount Serial Bank Notes, and 3,300 shares \$100 par value per share common stock and its application filed pursuant to Rule U-12F-1 under the Act for the lease of its real properties and the generating plant to be constructed thereon to Virginia Public Service Company be and they hereby are approved;

It is ordered, That the application of Virginia Public Service Company pursuant to Section 10 (a) (1) for the approval of the acquisition of the 3,300 shares of common stock of Virginia Public Service Generating Company be and the same hereby is approved;

And it is further ordered, That in connection with the issuance of the securities and the transactions herein approved the following terms and conditions are severally imposed upon Virginia Public Service Generating Company and Virginia Public Service Company in so far as they may be applicable to either of them:

(1) That the steps involved in the various applications shall be carried out and effected respectively as set forth in and for the purposes represented by such applications as amended.

(2) That the exemption and approvals hereby granted shall immediately terminate without further order of this Commission if at any time the pertinent authorizations of the Corporation Commission of the Commonwealth of Virginia shall be revoked or otherwise terminated.

(3) That within ten days after the issue and sale of such securities and within ten days after the consummation

of the transactions set forth in the applications the applicant shall file with this Commission a Certificate of Notification showing that the issue and sale of such securities and transfer of such assets have been effected as set forth in and for the purposes represented by the applications as amended and in accordance with the terms of this order.

(4) That Virginia Public Service Company pledge with the New York Trust Company as additional collateral securing the First and Refunding Bonds, Series A, B, and C of Virginia Public Service Company, the securities to be acquired from Virginia Public Service Generating Company.

(5) That Virginia Public Service Company shall not pay dividends on any class of its capital stock during the time that the bonds of Virginia Public Service Generating Company are outstanding except upon application to and receipt from this Commission of an order authorizing such action.

(6) That when all expenses, other than those covered by condition 7 hereof, incurred in connection with the issue and sale of the securities and the preparation and prosecution of the applications concerned with the present transactions shall be actually paid, the applicants shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged and a detailed description of the services rendered for which such payments were made.

(7) The Commission reserves jurisdiction over the payment of any fees to First Boston Corporation in connection with the placing of the bonds and the payment of fees to The Utility Management Corporation for services rendered by F. S. Burroughs in connection with the instant transactions.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

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